

%PROB 12C  
(12/04)

# UNITED STATES DISTRICT COURT

FILED  
Clerk  
District Court

DEC 21 2007

for

District of Northern Mariana Islands

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

## Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Monessa P. Nauta Case Number: CR 05-00013-001

Name of Sentencing Judicial Officer: Honorable Alex R. Munson

Date of Original Sentence: June 21, 2005

Original Offense: Count 1 - Conspiracy to Commit Bank Fraud, 18 U.S.C. §§ 371 and 1344(1)

Original Sentence: Four years probation with the following conditions: that she not commit another federal, state, or local crime; not unlawfully possess a controlled substance and refrain from any unlawful use of a controlled substance; submit to one drug test within 15 days after sentencing and at least two periodic tests thereafter; submit to the collection of a DNA sample at the direction of the U.S. Probation Office; comply with the standard conditions of probation as set forth by the U.S. Sentencing Commission and codified under 18 U.S.C. § 3563; be prohibited from possessing a firearm or other dangerous weapon and shall not have such weapon at her residence; notify the court of any material change in her economic circumstances that might affect her ability to pay restitution; be prohibited from incurring new credit charges or opening additional lines of credit without prior approval of the probation officer; provide the probation officer access to any requested financial information; participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether she has reverted to the use of drugs or alcohol; also make co-payment for the program at a rate to be determined by the U.S. Probation Office; refrain from the use of all alcoholic beverages; obtain and maintain gainful employment; perform 200 hours of community service under the direction of the U.S. Probation Office; and pay a \$100 special assessment fee and \$32,454.78 in restitution to Bank Pacific. **Modified on February 9, 2006** to include that she submit to a maximum of eight drug tests per month at the direction of the U.S. Probation Office. **Modified on December 3, 2007** in include that she prepare a six-page paper on the dangers of methamphetamine, which shall be due to the probation officer on December 17, 2007, and she will then present her paper to the probation officer.

Type of Supervision: Probation Date Probation Commenced: June 21, 2005

Assistant U.S. Attorney: Craig Moore Defense Attorney: Loren Sutton

### PETITIONING THE COURT

☐ To issue a warrant.

☒ To issue a summons.

The probation officer believes that the offender has violated the following condition(s) of supervision, in violation of 18 U.S.C. §3583(d):

Violation Number Nature of Noncompliance

Standard Condition #1 Failure to follow the instructions of the probation officer.

Special Condition #1 Failure to participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether she has reverted to the use of drugs or alcohol.

Special Condition #2 Failure to prepare a six-page paper on the dangers of methamphetamine, which shall be due to the probation officer on December 17, 2007. The defendant shall then present her paper to the probation officer.

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U.S. Probation Officer Recommendation:

☒ The term of supervision should be

☒ revoked.

☐ extended \_\_\_\_\_ years, for a total term of \_\_\_\_ years.

☐ The conditions of supervision should be modified as follows:

***Please see attached Declaration in Support of Petition; Re: Violation of Probation Conditions,  
Request for a Summons  
written by  
U.S. Probation Officer Melinda N. Brunson.***

Reviewed by:



ROSSANNA VILLAGOMEZ-AGUON  
Chief U.S. Probation Officer

Date: December 21, 2007

I declare under penalty of perjury that the foregoing is true and correct.



MELINDA N. BRUNSON  
U.S. Probation Officer

Executed on: December 21, 2007

**THE COURT ORDERS:**


☐ No action.

~~☒~~ The issuance of a warrant.

☒ The issuance of a summons.

☐ Other

*for 1-3-08 9:00 AM*

  
ALEX R. MUNSON  
Chief Judge  
Northern Mariana Islands

12-21-07  
Date

## VIOLATION WORKSHEET

1. Defendant Monessa P. Nauta
2. Docket Number (Year-Sequence-Defendant No.) Criminal Case No. 05-00013-001
3. District/Office Northern Mariana Islands
4. Original Sentence Date 06 / 21 / 05  
month day year

(If different than above):

5. Original District/Office N/A
6. Original Docket Number (Year-Sequence-Defendant No.) N/A
7. List each violation and determine the applicable grade (see §7B1.1(b))

<u>Violation(s)</u>	<u>Grade</u>
• <u>Failure to follow the instructions of the probation officer.</u>	<u>C</u>
• <u>Failure to participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether she has reverted to the use of drugs or alcohol.</u>	<u>C</u>
• <u>Failure to prepare a six-page paper on the dangers of methamphetamine, which shall be due to the probation officer on December 17, 2007. The defendant shall then present her paper to the probation officer.</u>	<u>C</u>
• <u></u>	<u></u>

8. Most Serious Grade of Violation (see §7B1.1(b))

C

9. Criminal History Category (see §7B1.4(a))

I

10. Range of Imprisonment (see §7B1.4(a))

3-9

months

11. Sentencing Options for Grade B and C Violations Only (Check the appropriate box):

☒ x

(a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.

☐

(b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.

☐

(c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

Defendant Monessa P. Nauta**12. Unsatisfied Conditions of Original Sentence**

List any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation (see §7B1.3(d)):

Restitution (\$)	<u>32,364.78</u>	Community Confinement	<u>NA</u>
Fine (\$)	<u>NA</u>	Home Detention	<u>NA</u>
CS	<u>-0- balance</u>	Intermittent Confinement	<u>NA</u>

**13. Supervised Release**

If probation is to be revoked, determine the length, if any, of the term of supervised release according to the provisions of §§5D1.1-1.3 (see §§7B1.3(g)(1)).

Term: 2 to 3 years.

If supervised release is revoked and the term of imprisonment imposed is less than the maximum term of imprisonment imposable upon revocation, the defendant may, to the extent permitted by law, be ordered to recommence supervised release upon release from imprisonment (see 18 U.S.C. §3583(e) and §7B1.3(g)(2)).

Period of supervised release to be served following release from N/A

**14. Departure**

List aggravating and mitigating factors that may warrant a sentence outside the applicable range of imprisonment:

N/A

**15. Official Detention Adjustment (see 0 months 0 days**

**UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,	)	CRIMINAL CASE NO. 05-00013-001
	)	
Plaintiff,	)	
	)	
vs.	)	<b>DECLARATION IN SUPPORT OF PETITION</b>
	)	
MONESSA P. NAUTA,	)	
	)	
Defendant.	)	
<hr style="width: 45%; margin-left: 0;"/>		

**Re: Violations of Probation Conditions, Request for a Summons**

I, U.S. Probation Officer Melinda N. Brunson, am the U.S. Probation Officer temporarily assigned to supervise the Court-ordered conditions of probation for Monessa P. Nauta during the absence of her assigned officer, U.S. Probation Officer Margarita Wonenberg, and in that capacity declare as follows:

On June 21, 2005, Monessa P. Nauta was sentenced to four years of probation for the offense of Conspiracy to Commit Bank Fraud, 18 U.S.C. §§ 371 and 1344(1). The conditions of her probation include the following: that she not commit another federal, state, or local crime; that she not unlawfully possess a controlled substance and refrain from any unlawful use of a controlled substance; and she shall submit to one drug test within 15 days after sentencing and at least two periodic tests thereafter; submit to the collection of a DNA sample at the direction of the U.S. Probation Office; that she shall comply with the standard conditions of probation as set forth by the U.S. Sentencing Commission and codified under 18 U.S.C. § 3563; that she be prohibited from possessing a firearm or other dangerous weapon and shall not have such weapon at her residence; that she shall notify the court of any material change in her economic circumstances that might affect her ability to pay restitution; that she shall be prohibited from incurring new credit charges or opening additional lines of credit without prior approval of the probation officer; that she shall provide the probation officer access to any requested financial information; that she shall participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether she has reverted to the use of drugs or alcohol, and also make co-payment for the program at a rate to be determined by the U.S. Probation Office; that she shall refrain from the use of all alcoholic beverages; that she obtain and maintain gainful employment; that she perform 200 hours of community service under the direction of the U.S. Probation Office; and that she shall pay a \$100 special assessment fee and \$32,454.78 in restitution to Bank Pacific. On February 9, 2006, her probation conditions were modified to include that she submit to a maximum of eight drug tests per month at the direction of the U.S. Probation Office. On December 3, 2007, conditions were again modified to include that she prepare a six-page paper on the dangers of methamphetamine, which shall be due to the probation officer on December 17, 2007, and she will then present her paper to the probation officer.

DECLARATION IN SUPPORT OF PETITION  
Violations of Probation, Request for a Summons  
Re: NAUTA, Monessa P.  
Criminal Case No. 05-00013-001  
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Ms. Nauta is alleged to have violated the following conditions of probation:

**Standard Condition #1:** *The defendant shall follow the instructions of the probation officer.*

**Special Condition #1:** *That she participate in a program approved by the U.S. Probation Office for substance abuse, which program may include testing to determine whether she has reverted to the use of drugs or alcohol.*

Ms. Nauta failed to appear for a scheduled test on December 12, 2007. On December 13, 2007, after several unsuccessful attempts to contact Ms. Nauta, this Officer conducted a home visit with Chief U.S. Probation Officer Rossanna Villagomez-Aguon. Ms. Nauta was not at home, but this Officer left a message with her mother instructing her to report to the U.S. Probation Office the following day for a compliance meeting regarding the missed drug test.

On December 14, 2007, this Officer received a voice-mail message from Ms. Nauta's boyfriend, Jerry Villagomez, stating that Ms. Nauta was not feeling well, and she would try to report to the U.S. Probation Office in the afternoon. To date, Ms. Nauta has not reported to the U.S. Probation Office.

**Special Condition #2:** *The defendant shall prepare a six-page paper on the dangers of methamphetamine, which shall be due to the probation officer on December 17, 2007. The defendant shall then present her paper to the probation officer.*

As a result of Ms. Nauta's October 23, 2007 positive drug test, she agreed to a modification of her probation conditions to include that she prepare a six-page paper on the dangers of methamphetamine, which would be due to this officer on December 17, 2007. She would then be required to present her findings to this Officer. The Court ordered the modification on December 3, 2007.

Ms. Nauta has failed to comply with this condition. As of December 20, 2007, Ms. Nauta has not reported to the U.S. Probation Office, has not submitted her paper, nor has she made any attempts to explain her lack of action to this Officer.

On December 17 and 18, 2007, this Officer called Ms. Nauta's residence and spoke to her mother on both occasions. The elder Ms. Nauta was informed that her daughter was in non-compliance with her probation conditions, and needed to report to the probation office immediately. On December 19, 2007, Monessa Nauta left a voice mail message stating that she would report to the probation office between 9:00 am and 10:00 am on December 20, 2007. She failed to report.

**Supervision Compliance:** Ms. Nauta has been moderately compliant with to her probation conditions. On June 21, 2005, she paid her special assessment fee, and on August 11, 2005, she submitted to the collection of a DNA sample. On August 21, 2005, she completed her three mandatory drug tests, and on September 2, 2005, she completed her 200 hours of community service. On July 8, 2006, she completed the year long Substance Abuse Testing and Treatment Program. She reports monthly as required. Ms. Nauta continues to struggle in her search for employment and has only made \$90 in restitution payments.

DECLARATION IN SUPPORT OF PETITION  
Violations of Probation, Request for a Summons  
Re: NAUTA, Monessa P.  
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**Officer Recommendation:** This Probation Officer respectfully requests that the Court issue a Summons for Monessa P. Nauta to appear at a hearing scheduled by the Court, and during that hearing, she be held to answer or show cause why probation in this case should not be revoked, or for any reason or cause which the Court may deem just and proper pursuant to 18 U.S.C. § 3583.

Executed this 21<sup>th</sup> day of December 2007, at Saipan, MP, in conformance with the provisions of 28 U.S.C. § 1746.

I declare, under penalty of perjury, that the foregoing is true and correct, except those matters stated upon information and belief, and as to those matters, I believe them to be true.

Respectfully submitted,

ROSSANNA VILLAGOMEZ-AGUON  
Chief U.S. Probation Officer

By:



MELINDA N. BRUNSON  
U.S. Probation Officer

Reviewed by:

  
ROSSANNA VILLAGOMEZ-AGUON  
Chief U.S. Probation Officer

cc: Craig Moore, Assistant United States Attorney  
Loren Sutton, Defense Attorney  
File